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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Salt Lake City, Utah 84180-1203
801-538-5340

November 2, 1988

Mr. Carsten Mortensen
General Manager
Utelite Corporation
P.O. Box 387
Coalville, Utah 84017

Dear Mr. Mortensen:

Re: Rock Aggregate Classification, Utelite Mine, M/043/004, Summit County, Utah

This letter is to confirm the phone conversation I had with Slim Garrick this morning concerning your operation. The Division has determined that the mining of a consolidated rock unit, similar to your shale operation, does not fall into the rock aggregate classification.

The Division's definition of rock aggregate mining is the following:

"Rock aggregate" means unconsolidated material such as sand, gravel, slag, or stone used for mixing with a cementing or bituminous material to form concrete, mortar, or plaster; or used alone as a construction material such as railroad ballast or graded fill. It does not include consolidated rock units mined and processed to obtain rock aggregate material.

The Board of Oil, Gas and Mining has not adopted a specific definition. Instead, they will consider questionable operations individually. Your shale operation, upon appeal before the Board, may very well be classified as an exempt rock aggregate operation. I encourage you to proceed to appeal for an exempt from permitting and reclamation status for the Utelite Mine, although, to date, the Board has not established a position on specific mines in this regard.

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Carsten Mortensen
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I apologize for any misunderstandings concerning the Division's decision. Feel free to call me if you have any questions. Marjie Anderson, of this office, is your contact to appeal this decision through the Board.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Johnson", with a stylized flourish at the end.

Scott Johnson
Reclamation Engineer

jb
cc: Marjie Anderson
Lowell Braxton
MN18/29-30